

Wednesday, September 26, 2007

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business	Last Vote: 5:00-6:00 p.m.
Fifteen "One-minutes" Per Side	

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

### Floor Schedule and Procedure

- **H. Res. 678—Rule providing for consideration of H.R. 2693 – Popcorn Workers Lung Disease Prevention Act (Rep. Sutton—Rules):** The structured rule provides one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Education and Labor. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Sutton, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule.**
- **H. Res. 677—rule providing for consideration of H.J. Res. 52, making continuing appropriations for the fiscal year 2008, and for other purposes (Rep. Slaughter—Rules):** The closed rule provides one hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rules Committee Chair Rep. Louise Slaughter, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic motion to move the previous question. **Democrats are urged to vote yes on the motion.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes on adoption of the rule.**

- **H.J. Res. 52, making continuing appropriations for the fiscal year 2008, and for other purposes (Rep. Obey-Appropriations):** Pursuant to the rule, debate on resolution will be managed by Appropriations Committee Chair Rep. David Obey, or his designee, and will proceed as follows:
  - One hour of debate on the resolution.
  - Possible debate and vote on a Republican motion to recommit the resolution.
  - Vote on adoption of the resolution. **Democrats are urged to vote yes on adoption.**
- **Suspension Bill:** Today, the House will consider one bill on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
  1. A bill to extend health care programs that expire on September 30, 2007
- **H.R. 2693 – Popcorn Workers Lung Disease Prevention Act (Rep. Woolsey-Education and Labor):** Pursuant to the rule, debate on the bill will be managed by Education and Labor Committee Chair Rep. George Miller, or his designee, and will proceed as follows:
  - One hour of debate on the bill.
  - Debate and votes on amendments to the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on final passage of the bill. **Democrats are urged to vote yes on final passage.**

## **Bill Summary and Key Issues**

### **H.R. 2693 – Popcorn Workers Lung Disease Prevention Act**

**BACKGROUND ON POPCORN WORKERS LUNG DISEASE.** Seven years ago, a Missouri doctor diagnosed several workers from the same popcorn production plant with *bronchiolitis obliterans*, a rare, irreversible and deadly lung disease. In 2002, the National Institute for Occupational Safety and Health (NIOSH) linked their disease with an artificial butter flavoring called *diacetyl*. Scientists have called the effect of diacetyl on workers' lungs "astonishingly grotesque" and likened it to "inhaling acid." **Hundreds of workers in popcorn and flavor production have become ill and several have died of the disease that has become known as "popcorn lung."** Many of the affected workers were so sick that they needed lung transplants. A 35-year-old popcorn worker who was exposed to diacetyl for just two years testified at a congressional hearing this year that he now suffers from 24% lung capacity and is awaiting a double lung transplant.

**DIACETYL RISKS RECOGNIZED, BUT OSHA HAS NOT ACTED.** In 2003, NIOSH issued a guidance document recommending that workers' exposure be minimized. In 2004, the Food and Extract Manufacturers Association, the trade association of the flavoring industry, issued similar guidelines. **Yet, five years**

**later, the Occupational Safety and Health Administration (OSHA) has failed to issue a standard to protect workers from exposure to diacetyl, preferring to rely on voluntary efforts.** Voluntary efforts, however, have not worked. Last year, California researchers found that despite the issuance of government and industry guidance materials, many of their recommendations have not been implemented in flavor manufacturing facilities and new cases of *bronchiolitis obliterans* have been identified.

**H.R. 2693 – THE POPCORN WORKERS LUNG DISEASE PREVENTION ACT.**

H.R. 2693 would require OSHA to issue an emergency standard to minimize worker exposure to diacetyl. The emergency standard applies to the food flavorings industry, as well as popcorn manufacturing and packaging. OSHA would then be required to issue a final standard within two years that would apply to all locations where workers are exposed to diacetyl. HR 2693 was approved in committee by voice vote.

**WIDE-RANGING SUPPORT. H.R. 2693 is supported by industry, labor, and scientists**, including the Flavor and Extract Manufacturers Association, the American Industrial Hygiene Association, the American College of Environmental and Occupational Medicine, the AFL-CIO, the United Food and Commercial Workers (UFCW), the Teamsters, The Bakery, Confectionery, Tobacco Workers and Grain Millers Union and the American Society of Safety Engineers.

**Anticipated Amendments to H.R. 2693**

**Miller, George (CA): Manager's Amendment.** The amendment clarifies that a standard will only be needed if diacetyl is still in use. Second, it clarifies that Section 4, calling for a NIOSH study, applies to potential substitutes for diacetyl. (10 minutes)

**Wilson, Joe (SC):** The amendment requires the Occupational Safety and Health Administration to wait until the National Institute for Occupational Safety and Health (NIOSH) concludes there is sufficient data to support a recommended exposure limit and establishes such recommended exposure limit before issuing a final standard. (10 minutes)

**FY 2008 Continuing Resolution**

**Continues Government Operations.** This short-term funding resolution ensures continued government operations as work continues on the FY 2008 appropriations process. The House passed all 12 appropriations bills before the August recess with bipartisan support. The measure extends spending authority through **November 16** for those agencies and programs whose FY 2008 appropriations bills have not been enacted.

**Provides Short-Term Funding.** The resolution provides funding for agencies included in all 12 appropriations bills, with most agencies funded at FY 2007 levels. The programs and activities continued are all those which received funding in the FY 2007 Defense Appropriations Act (PL 109-289), the FY 2007 Homeland Security Appropriations Act (PL 109-295), and the FY 2007 continuing resolution (PL 110-5, which provided full-year funding for agencies and programs not covered by the preceding two measures). The basic funding levels under this

CR do *not* include amounts provided in FY 2007 supplemental appropriations (PL 110-28).

**Provisions to Cover Specific Situations.** Like prior years' CRs, this resolution also includes sections addressing specific situations, that generally extend particular provisions of law needed to allow certain federal operations and programs to continue.

The CR also appropriates \$5.2 billion appropriation for the Defense Department for procurement of Mine Resistant Ambush Protected Vehicles ("MRAPs"). These funds are designated as an emergency requirement under the FY 2008 budget resolution, and remain available beyond the general termination date of the CR.

Similarly the CR appropriates \$5.04 billion to continue the Children's Health Insurance Program as it is currently structured, until the earlier of the date of enactment of a reauthorization or the CR ending date.

The bill provides funding for Base Realignment and Closure ("BRAC") activities at an annual rate of \$5.626 billion, which is the full amount available in FY 2007 including funds appropriated in the FY 2007 supplemental appropriations measure (PL 110-28) that would not otherwise be taken into account under the CR.

### **Quote of the Day**

"The aim of argument, or of discussion, should not be victory, but progress"  
-Joseph Joubert

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